

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES M. WEST,

Plaintiff,

v.

ORDER
05-CV-447A

GLENN GOORD, COMMISSIONER OF THE
NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). Defendants filed a motion to strike and dismiss the Second Amended Complaint with prejudice. On February 15, 2012, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion to dismiss be denied, that the remaining defendants be served, and that the defendants be directed to answer the complaint.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss is denied, the remaining defendants are to be served and the defendants shall answer the complaint. The U.S. Marshal is directed to serve the remaining defendants in this case. The defendants are directed to respond to the Second Amended Complaint.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: April 6, 2012